

PARENT A/N/F STUDENT,	§	BEFORE THE
Petitioner,	§	
	§	
v.	§	COMMISSIONER OF EDUCATION
	§	
REDWATER INDEPENDENT SCHOOL	§	
DISTRICT,	§	
Respondent.	§	THE STATE OF TEXAS

DECISION OF THE COMMISSIONER

STATEMENT OF THE CASE

Petitioner, the parent of a student enrolled in Respondent Redwater Independent School District, filed a petition for review with the Texas Commissioner of Education complaining of Respondent's school board's denial of his grievance regarding his student's Disciplinary Alternative Education Program (DAEP) placement administered as a result of a "hit list" discipline offense.

Dr. Vicky L. Sullivan is the Administrative Law Judge assigned to this case. Petitioner proceeds *pro se*. Respondent is represented by its counsel, Joey Moore, of Walsh Gallegos Kyle Robinson & Roalson P.C., in Austin, Texas.

For the reasons herein, the Administrative Law Judge recommends that the Commissioner dismiss this appeal without a hearing for untimeliness and lack of jurisdiction. Petitioner does not allege a violation of a school law of this state and seeks review of student discipline, which is statutorily exempt from the Commissioner's appellate jurisdiction. *See* 19 Tex. Admin. Code § 157.1056(a).

FINDINGS OF FACT

After due consideration of the record and matters officially noticed, it is concluded that the following Findings of Fact are established by the record and file in this case:

1. Petitioner is the parent of a child enrolled in Respondent's school district.

2. Petitioners filed a November 21, 2024 Level I grievance under Respondent's Policy FNG (Local), complaining about his child's placement in the Disciplinary Alternative Education Program (DAEP). For relief, Petitioner requested a warning or home detention in lieu of DAEP placement.

3. Respondent held a Level I grievance hearing on December 9, 2024, wherein the DAEP placement was reduced from twenty to eight days.

4. On December 9, 2024, Petitioner filed a Level II appeal requesting, as relief, that the student's disciplinary record be expunged and a formal apology issued to the student and family. Respondent denied the Level II grievance.

5. Petitioner filed a February 13, 2025 Level III grievance appeal and proceeded to a March 24, 2025 Level 3 hearing before Respondent's school board.

6. On the March 24, 2025 hearing before the board, the board affirmed the administration's Level II decision, denying Petitioner's grievance and requested relief.

7. On July 16, 2025, Petitioner filed a section 7.057 Petition for Review with the Commissioner of Education regarding the board's March 24, 2025 denial of his grievance.

8. On August 14, 2025, Respondent filed its Answer, a Plea to the Jurisdiction, and Motion to Dismiss, arguing, *inter alia*, that Petitioner's Petition for Review was not timely filed, pursuant to 19 Tex. Admin. Code Section § 157.1049(a). Respondent also filed the local record on August 14, 2025.

9. On August 14, 2025, Petitioner filed a Response to Respondent's Plea to the Jurisdiction and Motion to Dismiss regarding the timeliness of the filing of his Petition for Review.

10. On October 7, 2025, the Administrative Law Judge held a telephonic prehearing conference, in which Petitioner appeared *pro se* and Respondent attended through its counsel. The conference addressed timeliness, pleading requirements, and jurisdiction.

DISCUSSION

The Commissioner's jurisdiction

Petitioner did not assert a jurisdictional statute in his petition for review. During the prehearing conference, Petitioner clarified that he asserts jurisdiction under Texas Education Code section 7.057(a)(2)(A). The Commissioner has jurisdiction under that section to hear appeals of “actions or decisions of any school district board of trustees that violate the school laws of this state.”¹ *See* Tex. Educ. Code § 7.057(a)(2)(A). Appeals under Texas Education Code section 7.057 are a narrowly tailored type of appeal, wherein petitioner claims he has been aggrieved by the school laws of the state or by a school board’s action or decision that violates Texas school laws. *See* Tex. Educ. Code § 7.057.² Under that section, the Commissioner has appellate jurisdiction when a petitioner files a timely appeal and asserts, with supporting facts, that a school board action or decision violates the school laws of this state. *See* Tex. Educ. Code § 7.057(a)(2)(A).

The Legislature has defined the school laws of this state as titles 1 and 2 of the Texas Education Code and the rules adopted under them. *Id.* § 7.057(f)(2). An appealing party must identify the school law allegedly violated and sufficiently describe the challenged action in his pleading to proceed before the Commissioner with an appeal. *See* 19 Tex. Admin. Code § 157.1073(c). The Legislature has specifically excluded student discipline appeals from the Commissioner’s section 7.057 jurisdiction. *See id.* § 7.057(e)(2).

Timeliness of appeal

¹ During the prehearing conference, Petitioner clarified that he asserts jurisdiction under Texas Education Code § 7.057(a)(2)(A) and not other sections.

² It is incumbent upon the Petitioner to exercise diligence in filing complaints with the Texas Education Agency, particularly when it might involve multiple complaints and/or multiple divisions. The Agency receives and addresses different complaints on a variety of subjects or issues concerning public schools that involve multiple divisions within the Agency. Multiple complaints to more than one division may be filed at one time. Appeals under the Texas Education Code section 7.057 are a narrowly tailored type of appeal, wherein petitioner claims he has been aggrieved by the laws of the state or by a school board’s action or decision. *See* Tex. Educ. Code § 7.057. The Agency publishes the Parent Complaint Navigator inter-active tool that guides parents on submitting their complaint to the Agency by asking a short series of multiple-choice questions and based on the parent responses will provide information and resources and guide on process. It not known if Petitioner has utilized the Parent Complaint Navigator system or received other informed guidance, either prior to submitting his four complaints to the Division of Complaints and Inquiries, or after receiving the board’s ruling, which, depending on the complaint type, could still be submitted to TEA.

Respondent asserts that Petitioner's appeal is untimely because it was not filed within forty-five days of March 24, 2025, the date of the Level III board hearing, when the board affirmed the administration's Level 2 decision on Petitioner's grievance. In his Response, Petitioner acknowledged that "[his] petition was delayed" and explained that, after the Level III hearing on March 24, 2025, he filed an appeal with TEA, which involved multiple complaints regarding Respondent.³ Petitioner's Response reveals that he filed four complaints with the Complaints Management, Jurisdiction Review Unit in the Division of Complaints and Inquiries.⁴ The dates and exact subject matter regarding each of the four complaints are not clear from Petitioner's Response. Petitioner maintains that his "responses have indeed been in a timely manner, with respect to TEA processing and procedures."

Agency rules provide that a party must appeal to the Commissioner:

within 45 calendar days after the decision, order, or ruling complained of is first communicated to the petitioner. In all cases, when a decision is announced in the presence of the petitioner or the petitioner's representative of record at a hearing, the announced decision shall constitute communication to the petitioner.

19 Tex. Admin. Code § 157.1049(a).

³ Petitioner claimed that he appealed to "TEA" [the Texas Education Agency] "[f]ollowing [his] L3 hearing, which concluded on 3/34/2025" wherein he "submit[ed] multiple complaints and violations, including falsifying records, which (collectively) was closed on July 24th 2025, just prior to [his] Petition with the commissioner's Office." [emphasis in original].

⁴ According to Petitioner, the Texas Education Agency Complaints Management, Jurisdiction Review Unit, Division of Complaints and Inquiries informed him on July 9, 2025, via email, that a June 24, 2025 closure letter was mailed to him in response to his four complaints, which had been consolidated into one by the Agency, urging Petitioner to pursue the matter through the district's local grievance process or Department of Education's Student Privacy Policy Office. TEA's email further informed the Petitioner that, "if after exhausting the local grievance process (Levels One-Three) you are still aggrieved by the school district's decision, you may file an appeal in writing to the Commissioner of Education under TEC §7.057" and provided the necessary link for filing a § 7.057 appeal with the Hearings and Appeals Division with the Texas Education Agency. It is not known when Petitioner filed each of the four complaints that were consolidated into one and the subject of each of those complaints filed with the Texas Education Agency's Complaints Management, Division of Complaints and Inquiries Division. Given that the June 24, 2025 letter urges Petitioner to utilize the local grievance process, it is questionable as to whether Petitioner had utilize the district's local grievance process for the complaint(s) filed or if Petitioner was unclear in his communications that he had exhausted the local grievance process concluding with a hearing before the board on March 24, 2025. Since Petitioner was clear in his § 7.057 Petition for Review that he utilized the local grievance process and seeks to "overrule" the board's decision, it seems the latter possibility is unlikely.

Failure to comply with subsection (a) of this section relating to the time for filing a petition for review will result in the dismissal of the case.

19 Tex. Admin. Code § 157.1049(e).

Petitioner filed a July 16, 2025 appeal complaining about a March 24, 2025 board decision. The local record reflects that Petitioner was present at the March 24, 2025 meeting when the board announced its grievance decision. Accordingly, Petitioner’s appeal to the Commissioner was due on May 8, 2025, which is 45 calendar days after March 24, 2025. Because Petitioner filed his appeal over two months past that deadline, the appeal must be dismissed. *See id.* §§ 157.1049(a), (e).

Student discipline appeal

Petitioner raises various challenges to the student’s November 2024 discipline. All of Petitioner’s issues and the relief requested would require the Commissioner to review and overturn the student’s discipline.⁵ However, the Legislature expressly provides that the Commissioner lacks jurisdiction over “a student disciplinary action under Chapter 37.” Tex. Educ. Code § 7.057(e)(2). Thus, to the extent Petitioner asks the Commissioner to reconsider the student’s discipline, such claims must be dismissed. *Id.*

The Commissioner lacks authority over alleged violations of the Educators’ Code of Ethics

In his Petition for Review, Petitioner provides a detailed account of the student discipline matter that prompted his appeal to the Commissioner. However, Petitioner does not claim the district engaged in any violations of the school laws of the state, other than claiming multiple violations of the Educator’s Code of Ethics, Chapter 247 of the Texas Administrative Code, which Petitioner did raise during the local grievance process.

⁵ To the extent Petitioner seeks remedies related to correcting school disciplinary records, if a parent believes that a student’s education record contains information that is inaccurate, misleading, or in violation of the student’s rights of privacy, the parent may request that the district amend the record. If the district denies the request, it shall inform the parent of its decision and of the parent’s right to a hearing. 34 C.F.R. § 99.20. If, as a result of the hearing, the district decides the information in the education record is not inaccurate, misleading, or otherwise in violation of the privacy rights of the student, it shall inform the parent of the parent’s right to place a statement in the record commenting on the contested information, stating why the parent disagrees with the district’s decision, or both. 34 C.F.R. § 99.21.

Petitioner asserts that the school board's decision violated the Educators' Code of Ethics, citing Ethics Standards 1.1 and 1.6. Although the Educators' Code of Ethics are composed of rules adopted under title 2 of the Texas Education Code and thus are part of the school laws of this state, the Commissioner has long held that he lacks authority to enforce them, as the State Board for Educator Certification is charged with adopting and enforcing the Educators' Code of Ethics, not the Commissioner of Education. *See* Tex. Educ. Code § 21.041(b)(8); 19 Tex. Admin. Code §§ 247.1, 247.2; *Robinson v. DeSoto Indep. Sch. Dist.*, No. 051-R10-07-2021 (Comm'r Educ. 2021); *Jones v. Crockett Indep. Sch. Dist.*, No. 090-R10-400 (Comm'r Educ. 2001). Consequently, Petitioner's claims based on the Educators' Code of Ethics claims should be dismissed for lack of jurisdiction and for failure to state claims on which the Commissioner could grant him relief.

Conclusion

Petitioner's appeal should be dismissed for untimely filing, lack of jurisdiction, and failure to state a claim for which relief can be granted. *See* 19 Tex. Admin. Code § 157.1056(a).

CONCLUSIONS OF LAW

After due consideration of the record, matters officially noticed, and the foregoing Findings of Fact, in my capacity as Commissioner of Education, I make the following Conclusions of Law:

1. The Commissioner lacks section 7.057 jurisdiction over Petitioner's appeal. Tex. Educ. Code § 7.057(a)(2)(A).
2. Petitioner did not file his Petition for Review to the agency's division responsible for hearings and appeals within the 45 calendar days after the decision, order, or ruling complained of, pursuant to 19 Texas Administrative Code § 157.1049(a). Petitioner's untimely appeal should be dismissed. 19 Tex. Admin. Code §§ 157.1049(e), 157.1056(e).
3. Petitioner identified no school law of this state that Respondent's board allegedly violated over which the Commissioner has section 7.057(a)(2)(A) jurisdiction. *See* Tex. Educ. Code § 21.041(b)(8); 19 Tex. Admin. Code §§ 247.1, 247.2; *Robinson v. DeSoto Indep. Sch. Dist.*, No. 051-R10-07-2021 (Comm'r Educ. 2021); *Jones v. Crockett Indep. Sch. Dist.*, No. 090-R10-400 (Comm'r Educ. 2001).

4. The Commissioner lacks jurisdiction over “a student disciplinary action under [Texas Education Code] Chapter 37.” To the extent Petitioner complains of the student’s DAEP assignment, the Commissioner lacks jurisdiction over that claim. Tex. Educ. Code § 7.057(e)(2).

5. The Commissioner lacks authority to enforce the Educators’ Code of Ethics, which are ethics rules adopted and enforced by the State Board for Educator Certification. 19 Tex. Admin. Code §§ 247.1, 247.2.

6. Petitioner’s appeal should be dismissed without a hearing for untimely filing, lack of jurisdiction, and failure to state a claim for which relief can be granted. *See* 19 Tex. Admin. Code § 157.1056(a).

ORDER

After due consideration of the record, matters officially noticed and the foregoing Findings of Fact and Conclusions of Law, in my capacity as Commissioner of Education, it is hereby ORDERED that the Petitioner’s appeal be, and is hereby, DISMISSED.

SIGNED AND ISSUED this 5th day of January 2026.

Mike Morath

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MIKE MORATH
COMMISSIONER OF EDUCATION